

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00050-MR-WCM**

MARLENE WILKERSON,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
HENDERSON COUNTY,)	
)	
Defendant.)	
_____)	

THIS MATTER is before this Court on Defendant's Motion to Dismiss [Doc. 7]; the Magistrate Judge's Memorandum and Recommendation [Doc. 12] regarding the disposition of that motion; and the parties' Objections to the Memorandum and Recommendation [Docs. 13, 14].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider Defendant's motion and to submit a recommendation for its disposition. On October 6, 2023, the Magistrate Judge filed a Memorandum and Recommendation in this case containing conclusions of law in support of a recommendation regarding the motion to dismiss. [Doc. 12]. The parties were advised that any objections to the

Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. Both Plaintiff and Defendant timely filed Objections on October 20, 2023. [Docs. 13, 14].

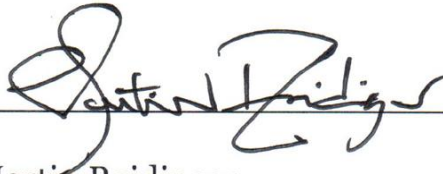
After careful consideration of the Memorandum and Recommendation and the Objections thereto, this Court finds that the Magistrate Judge's proposed conclusions of law are correct and consistent with current case law. Plaintiff objects to the Magistrate Judge's recommendation that this Court dismiss her claims for discrimination based on compensation and for constructive discharge, and Defendant objects to his recommendation that Plaintiff's hostile work environment claim should go forward. [See Docs. 13 at 3-5; 14 at 11-14]. As the Magistrate Judge explains, Plaintiff's Complaint includes enough factual allegations, when taken in the light most favorable to her, to allow her hostile work environment claim to proceed. [See Doc. 12 at 11]. However, her Complaint lacks sufficient factual detail to support her claims for discrimination based on compensation and for constructive discharge. [See id. at 12, 14-15]. Accordingly, this Court hereby overrules the Objections and accepts the Magistrate Judge's Recommendation that the motion to dismiss should be granted in part and denied in part.

IT IS, THEREFORE, ORDERED that the Objections to the Memorandum and Recommendation [Docs. 13, 14] are **OVERRULED**; the

Memorandum and Recommendation [Doc. 12] is **ACCEPTED**; Defendant's Motion to Dismiss [Doc. 7] is **GRANTED IN PART** and **DENIED IN PART**; and Plaintiff's claims for discrimination based on compensation and for constructive discharge are hereby **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: November 6, 2023

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
Chief United States District Judge

